

AMENDED IN ASSEMBLY JUNE 16, 2003

AMENDED IN SENATE MARCH 17, 2003

SENATE BILL

No. 37

Introduced by Senator Dunn

December 19, 2002

~~An act to add Section 798.74.4 to the Civil Code, relating to mobilehomes. An act to add Section 18700.1 to the Health and Safety Code, relating to manufactured housing.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 37, as amended, Dunn. ~~Mobilehomes: transfer disclosure requirements~~ *Manufactured mobilehomes.*

The Mobilehome Parks Act requires an enforcement agency that, upon inspection, determines that a mobilehome park is in violation of any provision of the act, or any rule or regulation adopted pursuant to the act, to issue a notice to correct the violation to the owner or operator of the mobilehome park within 10 days after completion of the inspection and determination that a violation exists. The Department of Housing and Community Development is required to prescribe procedures for an informal conference and for any subsequent hearings or appeals to dispute a determination by the enforcement agency regarding the alleged violation, the alleged failure to correct the violation in the required timeframe, or the reasonableness of the deadline for correction specified by the notice of violation.

Existing law makes it a misdemeanor for a person to willfully violate the act, the published building standards relating thereto, or any other rules or regulations adopted by the department pursuant to the act. It also subjects the holder of a permit to operate a park who willfully

violates these provisions to suspension or revocation of the permit and subjects any person who willfully violates these provisions to liability for civil penalties.

This bill would authorize, in addition to the above-described penalties, the Director of Housing and Community Development, a designee, or an employee authorized by a local enforcement agency that has assumed jurisdiction over enforcement of the act to issue a citation that assesses a prescribed civil penalty to certain persons for the violation of specified provisions of the act that have continued for at least 14 days after issuance of a notice to correct.

~~Existing law requires that certain real estate transfer disclosures be made with respect to the resale of a mobilehome or manufactured home, as specified, when the mobilehome or manufactured home is personal property and intended for use as a residence.~~

~~This bill would specify that the transfer or sale of a mobilehome or manufactured home in a mobilehome park is subject to the real estate disclosures described above.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 798.74.4 is added to the Civil Code, to~~
- 2 ~~SECTION 1. Section 18700.1 is added to the Health and~~
- 3 ~~Safety Code, to read:~~
- 4 ~~18700.1. (a) In addition to any other remedy or penalty~~
- 5 ~~provided in this part, the Director of Housing and Community~~
- 6 ~~Development, his or her designee, or an employee authorized by~~
- 7 ~~a local enforcement agency that has assumed jurisdiction pursuant~~
- 8 ~~to Section 18300, may issue a citation that assesses a civil penalty~~
- 9 ~~on any owner, operator, or both, of a mobilehome park,~~
- 10 ~~homeowner, or other responsible party for the violation of a section~~
- 11 ~~described in subdivision (b) if the violation constitutes an~~
- 12 ~~imminent hazard representing an immediate risk to life, health, or~~
- 13 ~~safety that requires immediate correction within the meaning of~~
- 14 ~~Section 18400.3 and the violation has continued for at least 14~~
- 15 ~~days after issuance of the notice to correct the condition from the~~
- 16 ~~enforcement agency.~~
- 17 ~~(b) The violation of any of the following sections is subject to~~
- 18 ~~a citation pursuant to subdivision (a): Subdivision (a) of Section~~

1 18550, Section 18552, Section 18554, Section 18602, Section
2 18603, Section 18630, Section 18670, Section 18690, and Section
3 18691.

4 (c) The amount of any civil penalty assessed pursuant to
5 subdivision (a) shall be one hundred dollars (\$100) for each
6 violation, but shall be increased to two hundred fifty dollars (\$250)
7 for each subsequent violation of the same prohibition for which a
8 citation for the subsequent violation is issued within one year of the
9 citation for the previous violation. The civil penalties assessed
10 pursuant to this section shall be payable to the enforcement
11 agency, notwithstanding any other provision of law. Whether or
12 not the violation or violations, if applicable, giving cause for the
13 citation are corrected, payment of the civil penalty shall be
14 remitted to the enforcement agency within 30 days of the issuance
15 of the citation.

16 (d) Any person or entity served a citation pursuant to this
17 section may petition the director or his or her designee or the
18 authorized representative of the local enforcement agency, where
19 applicable. The petition shall be a written request briefly stating
20 the grounds of the request. Any petition to be considered shall be
21 received by the department or the local enforcement agency within
22 10 days of the date of issuance of the citation.

23 (e) Upon receipt of a timely and complying petition, the
24 enforcement agency shall suspend enforcement of the citation and
25 set a time and place for an informal hearing and shall give the
26 recipient of the citation written notice thereof.

27 (1) The hearing shall commence no later than 30 days
28 following receipt of the petition or at another time scheduled by the
29 enforcement agency pursuant to a request by the petitioner or the
30 enforcement agency if the enforcement agency determines that
31 good and sufficient cause exists.

32 (2) If the petitioner can demonstrate to the enforcement agency
33 that he or she is a member of a lower income household, as defined
34 in Section 50079.5, the enforcement agency shall agree to grant
35 the petitioner an additional amount of time to correct the citation
36 and may waive the fine if the citation is corrected in accordance
37 with the agreement. Where applicable, the enforcement agency
38 shall provide the lower income petitioner with information about
39 local agency rehabilitation loan or grant programs that may be
40 available to assist them with funds to correct a code violation.

1 (3) If the petitioner fails to appear at the time and place
2 scheduled for the hearing, the enforcement agency may notify the
3 petitioner in writing that the petition is dismissed and that
4 compliance with the terms of the citation shall occur within 14
5 days after the notification is mailed.

6 (f) The enforcement agency shall notify the petitioner in writing
7 of its decision and the reasons therefor within 21 days following
8 conclusion of the informal hearing held pursuant to this section.
9 If the enforcement agency upholds the citation, in whole or in part,
10 the petitioner shall comply with the citation in accordance with the
11 decision within 14 days after the decision is mailed by the
12 enforcement agency.

13 ~~read:~~

14 ~~798.74.4. The transfer or sale of a mobilehome in a~~
15 ~~mobilehome park is subject to the transfer disclosure requirements~~
16 ~~and provisions set forth in Article 1.5 (commencing with Section~~
17 ~~1102) of Chapter 2 of Title 4 of Part 4 of the Civil Code. The~~
18 ~~requirements include, but are not limited to, the use of the~~
19 ~~Manufactured Home and Mobilehome Transfer Disclosure~~
20 ~~Statement set forth in Section 1102.6d of the Civil Code.~~

